

## §214.2

## 36 CFR Ch. II (7–1–16 Edition)

### §214.2 Definitions.

*Appeal.* A document filed with an Appeal Deciding Officer in which an individual or entity seeks review of a Forest Service decision under this part.

*Appeal Deciding Officer.* The Forest Service line officer who is one organizational level above the Responsible Official or the respective Deputy Forest Supervisor, Deputy Regional Forester, or Associate Deputy Chief with the delegation of authority relevant to the provisions of this part.

*Appeal decision.* The final written decision issued by an Appeal Deciding Officer on an appeal filed under this part which affirms or reverses a Responsible Official's appealable decision in whole or in part, explains the basis for the decision, and provides additional instructions to the parties as necessary.

*Appeal record.* Documentation and other information filed with the Appeal Deciding Officer within the relevant time period by parties to the appeal and upon which review of an appeal is conducted.

*Appellant.* An individual or entity that has filed an appeal under this part.

*Cancellation.* The invalidation, in whole or in part, of a term grazing permit or an instrument for the disposal of mineral materials.

*Discretionary Reviewing Officer.* The U.S. Department of Agriculture (USDA) or Forest Service official authorized to review an appeal decision by an Appeal Deciding Officer or a decision by the Chief under this part.

*Holder.* An individual or entity that holds a valid written authorization.

*Intervenor.* An individual or entity whose request to intervene has been granted by the Appeal Deciding Officer.

*Modification.* A Responsible Official's written revision of the terms and conditions of a written authorization.

*Operator.* An individual or entity conducting or proposing to conduct mineral operations.

*Oral presentation.* An informal meeting conducted by the Appeal Deciding Officer during which parties to an appeal may present information in support of their position.

*Prospectus.* An announcement published by the Forest Service soliciting

competitive applications for a written authorization.

*Responsible Official.* The Forest Service line officer who has the delegated authority to make and implement a decision that may be appealed under this part.

*Responsive statement.* The document filed by the Responsible Official with the Appeal Deciding Officer that addresses the issues raised and relief requested in an appeal.

*Revocation.* The cessation, in whole or in part, of a written authorization, other than a grazing permit or an instrument for the disposal of mineral materials, by action of Responsible Official before the end of the specified period of occupancy or use.

*Solicited applicant.* An individual or entity that has submitted a competitive application in response to a prospectus.

*Suspension.* A temporary revocation or cancellation of a written authorization.

*Termination.* The cessation of a written authorization by operation of law or by operation of a fixed or agreed-upon condition, event, or time as specified in the authorization, which does not require a decision by a Responsible Official to take effect.

*Written authorization.* A term grazing permit, plan of operations, special use authorization, mineral material contract or permit, or other type of written instrument issued by the Forest Service or a lease or permit for leasable minerals issued by the U.S. Department of the Interior that authorizes the occupancy or use of National Forest System lands or resources and specifies the terms and conditions under which the occupancy or use may occur.

### §214.3 Parties to an appeal.

Parties to an appeal under this part are limited to the holder, operator, or solicited applicants who are directly affected by an appealable decision, intervenors, and the Responsible Official.

### §214.4 Decisions that are appealable.

To be appealable under this part, a decision must be issued by a Responsible Official in writing and must fall into one of the following categories: